

Amendment and Response

Applicant: Michael F. Hoey et al.

Serial No.: 10/699,548

Filed: October 31, 2003

Docket No.: M190.133.102

Title: APPARATUS AND METHOD FOR CREATING, MAINTAINING, AND CONTROLLING A VIRTUAL ELECTRODE USED FOR THE ABLATION OF TISSUE

REMARKS

These remarks are made in response to the Final Office Action mailed December 1, 2005. In that Office Action, the Examiner objected to the specification due to minor informalities. The Examiner rejected claims 6-16, 19-32, 35-45, and 48 under 35 U.S.C. §102(b) as being anticipated by Jackson et al., U.S. Patent No. 5,383,874 (“Jackson”). Claims 17, 18, 33, 34, 46, and 47 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jackson in view of Nardella, U.S. Patent No. 5,334,193 (“Nardella”).

With this Response, claims 6, 7, 10, 11, 20, and 36 have been amended. Claims 6-48 remain pending in the application and are presented for reconsideration and allowance.

Objection to Specification

The specification has been amended to include the current status of related applications.

35 U.S.C. §§102, 103 Rejections

Independent claim 6 has been amended to positively recite that the memory chip stores predetermined time limit information. Independent claim 20 has been amended to positively recite that the identifying means is programmed to provide a predetermined time limit. Independent claim 36 has been amended to positively recite that the memory chip of the surgical instrument stores a predetermined time limit for an operating parameter, with this operating parameter being delivered to the RF generator for at least the reasons set forth in the Amendment and Response filed September 1, 2005 (which is incorporated herein by reference), it is respectfully submitted that Jackson alone or in combination with Nardella does not teach or suggest at least these limitations. Thus, it is respectfully submitted that claims 6, 20, and 36, as well as all claims depending therefrom are allowable over the cited references.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 6-48 are respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiries may be directed to Timothy A. Czaja at Telephone No. (612) 573-2004, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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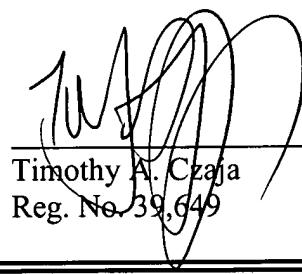
Respectfully submitted,

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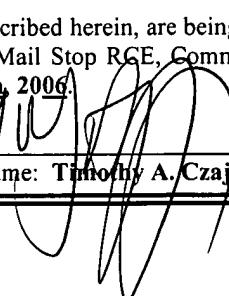
Date: March 1, 2006
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CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19 day of March, 2006.

By: 

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